

**Continued Hearing Date & Time: October 28, 2015 at 11:00 a.m. EDT**

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*Proposed Counsel for Debtors and Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

33 Peck Slip Acquisition LLC, *et al.*

Debtors.<sup>1</sup>

Chapter 11

Case No. 15-12479 (JLG)

(Jointly Administered)

**NOTICE OF WITHDRAWAL OF MOTION OF 36 WEST 38TH STREET  
LLC FOR ORDERS PURSUANT TO SECTIONS 105(a), 363, AND 365 OF  
THE BANKRUPTCY CODE AND BANKRUPTCY RULES 6004 AND  
6006 APPROVING (I) SALE PROCEDURES AND NOTICE OF THE  
AUCTION RELATING THERETO, (II) THE STALKING HORSE  
PURCHASE AGREEMENT, (III) SALE OF CERTAIN REAL PROPERTY  
TO HANSJI CORPORATION OR A PARTY MAKING A HIGHER AND  
BETTER OFFER, FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS  
OR ENCUMBRANCES, AND (IV) GRANTING RELATED RELIEF**

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: 33 Peck Slip Acquisition LLC (3412), 52 West 13th P, LLC (4970), 36 West 38th Street, LLC (6842), and Gemini 37 West 24th Street MT, LLC (4143).

**PLEASE TAKE NOTICE** that 36 West 38th Street LLC (the “**Debtor**”), one of the debtors in the above-captioned case, by and through its undersigned counsel, hereby withdraws, without prejudice, the Motion of Debtor For Orders Pursuant To Sections 105(A), 363, And 365 Of The Bankruptcy Code And Bankruptcy Rules 6004 and 6006 Approving (I) Sale Procedures And Notice Of The Auction Relating Thereto, (II) The Stalking Horse Purchase Agreement, (III) Sale Of Certain Real Property To Hansji Corporation Or A Party Making A Higher And Better Offer, Free And Clear Of Liens, Claims, Interests Or Encumbrances, And (IV) Granting Related Relief filed as Docket No. 16 in Case No. 15-12480 (JLG)) (the “**Motion**”).

The Debtor intends to refile the Motion, or a similar motion, once a real estate broker has been formally retained and a stalking horse bidder has been identified.

Dated: New York, New York  
October 22, 2015

**ROBINS KAPLAN LLP**

By: /s/ David B. Shemano

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